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ACTION EA-12
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TO SECSTATE WASHDC PRIORITY 9402
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ALSO L FOR J. SMITH
E.O. 12065: N/A
TAGS: PINT, PGOV, SHUM, KS, US
SUBJECT: STANDARD LANGUAGE ON THE KIM DAE JUNG SENTENCE
REF: RICH/ARMACOST MEMO DATED SEPTEMBER 18, 1980, POUCHED TO SEOUL

1. WE APPRECIATE RECEIVING LANGUAGE FOR USE IN RESPONDING TO LETTERS REGARDING THE KIM DAE JUNG (M-R: KIM TAE-CHUNG) SENTENCE. WE HAVE AGAIN CHECKED THE CIVIL CODE AND SUGGEST CHANGES IN THE FIRST, SECOND, THIRD AND SIXTH SENTENCES OF THE THIRD PARAGRAPH WHICH WILL THEN READ:

- "ALL DEFENDANTS HAVE THE RIGHT TO APPEAL THE
- VERDICTS JUST RENDERED AND THE DEATH SENTENCE, AS
- IN MR. KIM'S CASE, IS AUTOMATICALLY APPEALED. AFTER
- THE MARTIAL LAW COMMANDER CONFIRMED THE SENTENCE,
- THE FIRST LEVEL OF REVIEW IS AN APPELLATE COURT
- MARTIAL, WHICH CAN HAVE ELEMENTS OF A SECOND TRIAL.
- THE VERDICT OF THE APPELLATE COURT MARTIAL IS THEN
- AGAIN REVIEWED BY THE MARTIAL LAW COMMANDER, WHO HAS
- THE POWER TO COMMUTE SENTENCES. SINCE THE PRESENT

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- CASE INVOLVES CIVILIANS, THEY THEN ALSO HAVE THE
- RIGHT OF APPEAL TO THE SUPREME COURT. THE SUPREME
- COURT DOES NOT HOLD PUBLIC SESSIONS, BUT HOLDS AN
- APPELLATE REVIEW OF THE LAW AND THE HANDLING OF THE
- CASE BY THE COURT MARTIAL AND APPELLATE JURISDICTIONS.
- THE REVIEW PROCESS OF THE SUPREME COURT MUST BE
- COMPLETED WITHIN 4 MONTHS. FOLLOWING A SUPREME COURT
- DECISION, ANY DEATH VERDICT MUST BE CONFIRMED BY
- PRESIDENT CHUN, WHO ALSO HAS POWER OF COMMUTATION.
- IN SHORT, WE WOULD INTER THAT IT MAY BE MANY WEEKS
- BEFORE THE FINAL OUTCOME IN THIS CASE IS DETERMINED."
- GREYSTEEN

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY HT DATE 8/18/82
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TS AUTH. REASON (S)
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